

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

SUITS – High Court of Andhra Pradesh – Implementation of the order dated 02-09-2010 in W.P.No.20643 of 2006 filed by Sri S.John Earnest, Lecturer in English, Noble College, Machilipatnam for re-designation as Lecturer with effect from 25-10-1993 with all monetary benefits – Orders – Issued.

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HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 766

Dated:19-10-2011.

Read the following:-

1. G.O.Rt.No.726 Education, dated 6-07-2005.
2. Govt.Memo.No.9990/CE.II-1/2006, dated 06-05-2008.
3. From the Hon'ble High Court of A.P., Hyd., judgment dt.2-09-2010 in W.P.No.20643 of 2006.
4. From the C.C.E., A.P., Hyderabad, Lr.Rc.No.309/Admn.1-1/2001, dated 13-4-2011, 16-07-2011 and 24-09-2011.

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ORDER :-

In the G.O., 1<sup>st</sup> read above orders were issued re-designating Sri S.J.Earnest, Lecturer in English, Noble College, Machilipatnam, Krishna District with retrospective effect from 25-10-1993 notionally, without any monetary benefit.

**2.** In the Memo., 2<sup>nd</sup> read above orders were also issued that the request of Sri S.J. Earnest, Lecturer in English, Noble College, Machilipatnam, Krishna District for award of monetary benefit with retrospective effect from 25-10-1993 can not be accepted and accordingly the Government rejected.

**3.** In the reference 3<sup>rd</sup> read above, the Hon'ble High Court in its order dated 02-09-2010 directed that:-

There is no necessity of going into all the details. Under G.O.Rt.No.726, petitioner was re-designated as Lecturer with retrospective effect from 25-10-1993 notionally, without any monetary benefits. Now, the grievance of the petitioner is that in case of other similarly situated persons arrears of salary etc., were paid from the date when they were re-designated as Lecturers, whereas, in his case, it was not considered. The only reply of the respondents is that he did not challenge G.O.Rt.No.726 dated 6-9-2005 in so far as denying him the monetary benefits etc. This approach made by the respondents is untenable. Once, such a benefit has been extended by this court to similarly placed persons in W.P.No.5822 of 1996 etc., the same benefit could have been extended to the petitioner. Instead, the respondents made a pedantic approach in resolving the grievance of the petitioner. The operative portion of the order passed in W.P.No.5822 of 1996 dated 27-02-1997 reads as under:

“Under these circumstances, the writ petition is allowed and there shall be direction to the respondents to admit the petitioner to grant-in-aid post of Lecturer with effect from 1-8-1993 with all consequential benefits. The arrears of salary arising out of the appointment from 1-8-1993 shall be worked out and paid to the petitioner within a period of three months from the date of receipt of a copy of this order”

The fact that the petitioner is similarly placed as that of the petitioner in W.P.No.5822 of 1996 is not denied.

P.T.O.

In the facts and circumstances of the case, the writ petition is allowed and the respondents are directed to admit the petitioner to grant-in-aid post as Lecturer with effect from 25-10-1993 with all consequential benefits. The arrears of salary arising out of re-designation of the post of petitioner as Lecturer shall be worked out and paid to the petitioner within a period of three months from the date of receipt of a copy of this order.

**4.** The Commissioner of Collegiate Education, A.P., Hyderabad, in his letters 4<sup>th</sup> read above while explain the circumstances of the case and requested the Government to issue suitable orders in the matter.

**5.** After careful examination of the matter and to comply the orders of the Hon'ble High Court as referred to at Para (03) above and also to amend the orders issued in the G.O. 1<sup>st</sup> read above to re-designate the petitioner, the Government hereby permit the D.C.E., to implement the orders of the Hon'ble High Court dated 02-09-2010 in toto in W.P.No.20643 of 2006 filed by Sri S.John Earnest, Lecturer in English, Noble College, Machilipatnam, Krishna District with effect from 25-10-1993 with all consequential benefits.

**6.** The Director of Collegiate Education, A.P., Hyderabad shall take further action in the matter accordingly.

**7.** This orders issues with the concurrence of Finance (Expr.HE) Department, vide their U.O.No.26848/666/Expr.HE/2001, dated 28-09-2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D.SAMBASIVA RAO,  
PRINCIPAL SECRETARY TO GOVERNMENT (FAC).

To  
The Director of Collegiate Education, A.P., Hyderanad.  
The Government Pleader for Higher Education High Court of A.P., Hyderabad.  
Copy to:  
Fin. (Expr.HE) Department.  
P.S. to Special Secretary to C.M.  
P.S. to Dy. C.M.  
P.S. to Prl. Scey (HE)(FAC)  
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.